

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2769 Session of  
2008

INTRODUCED BY QUINN, CLYMER, GEIST, GEORGE, GOODMAN, HENNESSEY,  
KING, MCGEEHAN, MENSCH, MYERS, PAYTON, PETRI, REICHLEY, ROCK,  
SIPTROTH, STERN AND WATSON, SEPTEMBER 18, 2008

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
SEPTEMBER 18, 2008

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An  
2 act providing for the planning and regulation of solid waste  
3 storage, collection, transportation, processing, treatment,  
4 and disposal; requiring municipalities to submit plans for  
5 municipal waste management systems in their jurisdictions;  
6 authorizing grants to municipalities; providing regulation of  
7 the management of municipal, residual and hazardous waste;  
8 requiring permits for operating hazardous waste and solid  
9 waste storage, processing, treatment, and disposal  
10 facilities; and licenses for transportation of hazardous  
11 waste; imposing duties on persons and municipalities;  
12 granting powers to municipalities; authorizing the  
13 Environmental Quality Board and the Department of  
14 Environmental Resources to adopt rules, regulations,  
15 standards and procedures; granting powers to and imposing  
16 duties upon county health departments; providing remedies;  
17 prescribing penalties; and establishing a fund," further  
18 providing for definitions and for powers and duties of the  
19 department.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 Section 1. Section 103 of the act of July 7, 1980 (P.L.380,  
23 No.97), known as the Solid Waste Management Act, is amended by  
24 adding definitions to read:

25 Section 103. Definitions.

1 The following words and phrases when used in this act shall  
2 have, unless the context clearly indicates otherwise, the  
3 meanings given to them in this section:

4 \* \* \*

5 "County." Any political subdivision created under the act of  
6 August 9, 1955 (P.L.323, No.130), known as "The County Code," or  
7 the act of July 28, 1953 (P.L.723, No.230), known as the "Second  
8 Class County Code." This term includes, but is not limited to, a  
9 city of the first class coterminous with a county of the first  
10 class.

11 "County department of health." Any single-county department  
12 of health or any joint-county department of health created under  
13 the act of August 24, 1951 (P.L.1304, No.315), known as the  
14 "Local Health Administration Law."

15 \* \* \*

16 "Operator." Any person operating any facility or any part  
17 thereof.

18 "Owner." Any person who owns, manages, leases, controls or  
19 possesses a facility.

20 \* \* \*

21 "Release." Any spilling, leaking, pumping, pouring,  
22 emitting, emptying, discharging, injecting, escaping, leaching,  
23 dumping or disposing of any substance causing pollution into the  
24 environment.

25 \* \* \*

26 Section 2. Section 104(17) and (18) of the act, amended or  
27 added July 11, 1989 (P.L.331, No.55), are amended and the  
28 section is amended by adding a paragraph to read:

29 Section 104. Powers and duties of the department.

30 The department in consultation with the Department of Health

1 regarding matters of public health significance shall have the  
2 power and its duty shall be to:

3 \* \* \*

4 (17) administer funds collected by the United States  
5 Government and granted to Pennsylvania for the purpose of  
6 closing, maintaining or monitoring abandoned or closed  
7 hazardous waste storage, treatment or disposal sites and for  
8 the purpose of action to abate or prevent pollution at such  
9 sites. If Congress has not authorized the collection of such  
10 funds within one year after the effective date of this act,  
11 or if the department finds that the funding program  
12 authorized is inadequate, the department shall transmit to  
13 the General Assembly within 15 months after the effective  
14 date of this act a proposal for the establishment of a fund  
15 in Pennsylvania comprised of surcharges collected from users  
16 of hazardous waste storage, treatment and disposal facilities  
17 excluding captive facilities in the Commonwealth. Such fund  
18 shall be proposed for the purpose of closing, maintaining or  
19 monitoring hazardous waste storage, treatment or disposal  
20 sites excluding captive facilities which have been abandoned  
21 or which have been closed for at least 20 years, and for the  
22 purpose of taking action to abate or prevent pollution at  
23 such closed or abandoned sites; [and]

24 (18) encourage the beneficial use or processing of  
25 municipal waste or residual waste when the department  
26 determines that such use does not harm or present a threat of  
27 harm to the health, safety or welfare of the people or  
28 environment of this Commonwealth. The department shall  
29 establish waste regulations to effectuate the beneficial use  
30 of municipal and residual waste, including regulations for

1 the issuance of general permits for any category of  
2 beneficial use or processing of municipal waste or residual  
3 waste on a regional or Statewide basis in accordance with the  
4 regulations adopted by the Environmental Quality Board. The  
5 department may or may not require insurance under section  
6 502(e) or bonds under section 505(a) for any general permit  
7 or class of general permits promulgated under this paragraph.  
8 Except with the written approval of the department, no waste  
9 may be stored for longer than one year. Residual wastes being  
10 stored shall be monitored for changes in physical and  
11 chemical properties, including leachability, pursuant to  
12 applicable regulations, by the person or municipality  
13 beneficially using or processing such waste. The department  
14 may require the submission of periodic analyses or other  
15 information to insure that the quality of residual waste to  
16 be beneficially used or processed does not change. A  
17 municipality or person beneficially using or processing the  
18 residual waste shall immediately notify the department, upon  
19 forms provided by department, of any change in the physical  
20 or chemical properties of the residual waste, including  
21 leachability; and the department shall conduct an  
22 investigation and order necessary corrective action. Upon  
23 receipt of a signed, written complaint of any person whose  
24 health, safety or welfare may be adversely affected by a  
25 physical or chemical change in the properties of residual  
26 waste to be beneficially used or processed, including  
27 leachability, the department shall determine the validity of  
28 the complaint and take appropriate action[.]; and

29 (19) in the event of a release at a facility, require  
30 that the facility's owner or operator report the release to

1     the 24-hour emergency response contact telephone number for  
2     the appropriate departmental regional office immediately upon  
3     discovering the release. Department personnel shall then  
4     notify, within 24 hours, the local officials of the  
5     municipality and adjoining municipalities where the release  
6     has occurred. In the event that the county or counties have a  
7     county department of health, that department shall be  
8     contacted as well in order to ensure the safety of the  
9     public.

10    Section 3. This act shall take effect immediately.